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U.S. ENVIRONMENTAL PROTECTION AGENCY

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U.S. SETTLES CASE AGAINST RHODE ISLAND LANDLORD FOR FAILING TO TELL TENANTS OF POSSIBLE LEAD-BASED PAINT HAZARDS

PROVIDENCE, RI – The Department of Justice (DOJ), the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) today announced a settlement in a case against a Providence landlord for failing to warn tenants that their homes may contain lead-based paint hazards.

Joseph DeLuca, a Providence City Council member, agreed to pay \$13,090 in civil penalties and to test for and remove lead-based paint hazards in 32 units in Providence. The settlement is the result of a joint initiative by DOJ, HUD and EPA, as well as the State of Rhode Island, and involves violations of the disclosure requirements of the Residential Lead-Based Paint Hazard Reduction Act.

“Lead paint is an especially critical issue in Rhode Island, where much of the older, urban housing has lead-based paint,” said Margaret E. Curran, United States Attorney for Rhode Island. “This consent decree demonstrates that government at both the federal and state levels can use a variety of legal tools and strategies to successfully and effectively address the lead paint problems.”

“This agreement sends a clear message to landlords and home sellers that they have a responsibility to tell tenants and homebuyers about potential lead hazards,” said Kevin Keogh, HUD’s New England regional director. “Families, especially those with young children, have a right to know if their homes can potentially poison them.”

Robert W. Varney, regional administrator of EPA’s New England Office said, “Lead poisoning continues to be a major public health threat in New England, especially in older cities such as Providence where hundreds of children are exposed to lead hazards each year. Today’s case should send a message that landlords and property owners should be working with us, not against us, in doing all that we can to reduce the risk of childhood lead poisoning.”

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Lead Hazards

Elevated blood-lead levels in young children can cause learning disabilities, reduced IQ, developmental delays, slowed growth, hearing problems, damage to the brain and nervous system, and, in rare cases, even death. Lead poisoning is also harmful to adults, especially pregnant women.

Cited by the State of Rhode Island

According to records maintained by the state of Rhode Island, at least 9 children have been identified as having elevated blood-lead levels in DeLuca's properties. DeLuca was cited four times by the Rhode Island Department of Health and the Rhode Island Attorney General's Office for failing to abate lead paint hazards in four units in which a child had been significantly lead-poisoned.

Federal Consent Decree

DeLuca owns and manages 32 apartments in Providence – primarily in Olneyville – that are subject to the Consent Decree announced today. He was accused of failing to inform his tenants of potential lead hazards on at least 66 occasions. In the Consent Decree, DeLuca agreed to test for the presence of lead-based paint and lead-based paint hazards in his properties, remove interior and exterior lead-based paint and lead-based paint hazards, remediate any lead-contaminated soil, and pay a total of \$13,090 in penalties.

The DeLuca case is among a half-dozen civil and criminal cases EPA's New England Office has taken since launching an initiative to make sure landlords and property owners are complying with federal laws, which require them to notify tenants and prospective buyers of potential lead-paint hazards in their buildings. The initiative has included more than 80 inspections around New England, many of which have been conducted jointly with HUD, as well as compliance assistance workshops.

The Residential Lead-Based Paint Hazard Reduction Act of 1992

The lead disclosure rule promulgated under the federal Residential Lead-Based Paint Hazard Reduction Act requires landlords and sellers of housing constructed prior to 1978 to: provide buyers and renters an EPA-approved lead hazard information pamphlet; include lead notification language in sales and rental forms; disclose any known lead-based paint and lead-based paint hazards in the housing and provide available reports to buyers or renters; allow homebuyers to conduct a lead inspection or risk assessment; and maintain records certifying compliance with federal laws for a period of three years.

Sellers, lessors, and real estate agents all share responsibility for such compliance.

Nationally, DOJ, HUD and EPA have jointly resolved eleven enforcement actions affecting over 150,000 apartments. These cases have resulted in \$339,000 in civil penalties, \$358,750 directed to community-based projects to reduce lead poisoning, and commitments by landlords to pay more than \$16 million to address lead-based paint hazards in affected units. These numbers do not reflect additional administrative cases resolved by HUD and EPA.

Nearly 1 million of the nation's 22 million children under the age of six have blood lead levels high enough to impair their ability to think, concentrate and learn. The Centers for Disease Control

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and Prevention reports that childhood lead poisoning remains one of the most widespread childhood diseases. In areas with older housing occupied by low-income families, 27 percent of all children are still lead poisoned. While average blood lead levels have declined over the past decade, one in six low-income children living in older housing are lead poisoned.

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For more information on how to comply with the lead disclosure rule, please visit:
[http://www.hud.gov/offices/lead/disclosure rule](http://www.hud.gov/offices/lead/disclosure%20rule) or www.epa.gov/region01/compliance/enflead.html.

To report a disclosure rule violation to EPA or HUD, please call 1-800-424-LEAD or visit the EPA Region 1 website at: <http://www.epa.gov/region01/compliance/enflead.html#1018>

For information on lead poisoning prevention in Rhode Island, please visit the Department of Health's website at <http://www.healthri.org/family/lead/home.htm> or call the RI Family Health Information hotline at 1-800-942-7434.

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